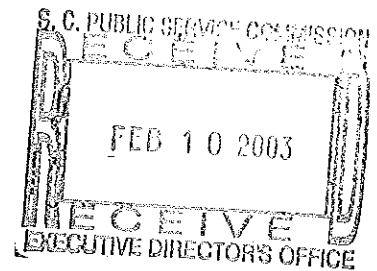


POSTED
FEB 10 2003



**DIRECT TESTIMONY
OF
INTERVENER WITNESS ROBERT JAMES**

SCPC DOCKENT NO. 2002-395-E

Q. Please state your name and address.

A. My name is Robert James and my address is 4 John Street, Charleston, South Carolina, 29403.

Q. Why did you and your sister, Ellen James Ramsburgh, intervene in this proceeding?

A. My sister and I own the Robert James house and farm in Darlington. (Pictured in Exhibit 1). We intervened because of the adverse impact that the proposed transmission line route would have on our house and farm. We believe that there are very important environmental factors, including historic ones, that CP&L did not take into account in selecting its route that goes across our farm.

Q. Is it your understanding that CP&L is obligated to consider historic preservation and other environmental factors in choosing its route?

A. Yes. I understand that is the case because the authorization CP&L is seeking is called a "Certificate of Environmental Compatibility and Public Convenience and Necessity." Also, CP&L officials told me that was the case in conversations and correspondence. For instance, Eddie Taylor, the CP&L project engineer for this transmission line, wrote to me on July 8, 2002 and stated that CP&L was undertaking a study to "identify the line route or routes that best provide reliable electric power while minimizing adverse impacts on individual property owners and the natural environment." (Exhibit 2). In addition, when we retained a

RETURN DATE: _____
SERVICE: OK [Signature]

lawyer, he told us that Section 58-33-160 of the South Carolina Code of Laws specifically states that the Public Service Commission may not grant a certificate unless it determines "[t]hat the impact of the facility upon the environment is justified. . . ."

Q. Did CP&L indicate to you that your comments on environmental factors, including historic ones, would be considered in determining the location of the transmission line with respect to the Robert James house and farm?

A. Most definitely. I had a number of conversations in person and on the telephone with employees of CP&L and its consultants, and they repeatedly assured me that the historic and environmental factors that my sister and I and neighbors made regarding the Robert James house and farm would be considered in the route selection. In fact, Mr. Taylor stated in his letter to me of July 8, 2002 that the route would be selected "based on criteria local residents helped us establish at information meetings and through project questionnaires and letters." (Exhibit 2). The questionnaire that CP&L distributed to citizens lists a number of items for citizens to rate including "distance from historic sites." Kristi Wise of the consulting firm doing the routing analysis for CP&L wrote an email to my sister on June 20, 2002 stating: "Our primary concern is to avoid as many homes as possible with this new line, but we also look at businesses, public facilities, irrigation practices, wildlife areas, cultural resources, wetlands, visibility and engineering constraints." (Exhibit 3). Additionally, when CP&L announced its route selection on August 22, 2002, it stated that the selection of that particular route

was based on five factors, three of which were environmental. One of the three was that the selected route “minimizes the impact to historical and archaeological sites.”

Q. Did you inform CP&L of particular environmental and historic factors involved in selecting the route that went through your farm?

A. Yes I did, and so did my sister and others in the Darlington community. The first information I provided to CP&L on this was my response to a questionnaire it gave me. Then, we sent letters to CP&L providing information about the importance of the Robert James house, the surrounding land, and green space. For instance, my sister informed CP&L in a letter of June 4, 2002, “The farmhouse has been a landmark on the Darlington-Florence Highway since the turn of the century.” (Exhibit 4). My letter of the same date stated, “The farm is over one hundred years old The house, included in several books on both Carolina architecture, is a notable one.” (Exhibit 5). Several letters from concerned Darlington citizens emphasized the importance of the house as a landmark and the land as vital green space.

Our lawyer, William Want, wrote a letter on August 1, 2002, to CP&L in which he provided detailed information about the house and farm. (Exhibit 6). He stated that the 1898 Robert James house is important to Darlington County because it is almost totally unchanged and one of the best examples of houses of that period. In addition the house has statewide importance, Mr. Want stated, because it is a significant example of the residential work of two influential and well-known South Carolina architects: Charles Coker Wilson and William Augustus Edwards. The house, Mr. Want continued, is a notable example of a Greek Revival house

adapted to both Carolina tastes and climate and "is distinguished by high quality of workmanship and materials, the amount and quality of interior woodwork, and good plan."

Mr. Want noted that whereas the Florence-Darlington highway formerly was a ten-mile stretch of rural road, the Robert James farm and their cousins' adjacent farm are the only reminders of the agricultural history of that road. In this regard, Mr. Want further noted, "The Robert James house and farm provide a welcome green space along the Florence-Darlington highway and a link to the area's historic past. Without it, the entire 10-mile stretch would be completely unrecognizable to all but the current generation."

In a letter of August 8, 2002, Valerie Marcil of the State Historic Preservation Office wrote to CP&L concerning this transmission line proposal, stating:

The Robert James House, and likely the farm surrounding it, is National Register-eligible under Criterion C as the work of two of the state's most significant architects of the late 19th and early 20th centuries, and as an excellent example of a rural residential property and farm in this part of South Carolina at the turn of the 20th century. The farm may also be eligible under Criterion A for agriculture." [Exhibit 7.]

She advised CP&L "as you make your alternate selections, to consider the effects of a 230 kV power line to this historically significant rural property. In the concluding paragraph of her letter, Ms. Marcil stated that if CP&L would like

additional comments or information from the State Historic Preservation Office, it should let her know.

Q. Did CP&L in fact consider the information that you and others provided to it on your house and farm in selecting the route for its transmission line?

A. I believe that CP&L never gave our information any serious consideration. I concluded this first from the route it selected and its failure to engage in serious discussion about an alternative. Several weeks ago, I received CP&L's Routing Study and Environmental Report, and this confirmed my suspicions that the information we provided was not considered. Then, earlier this week, I received CP&L's answers to our second set of interrogatories. They left no doubt that CP&L did not consider the information we provided. On page 6 of these answers, CP&L states first that it does not use cultural resources information in its selection model, which assigns weight and scores to different factors. (Exhibit 8). CP&L goes on to state that it does nonetheless typically give some consideration to cultural resources in making its route selection. However, in this case, CP&L states it did not give consideration to the cultural resource information about the Robert James house and farm because it did not receive this information prior to making its decision.

In addition to not considering the historic factors involved with our house and farm in making its route selection, CP&L did not consider the other environmental factors that we and other Darlington citizens brought to its attention. For example, while CP&L noted in its Routing Study and Environmental Report that "commercial development extends along U.S.

Highway 52 nearly all the way between Florence and Darlington, degrading the visual character of this corridor,” (pages 3-16) it did not give any weight or consideration in its route selection to avoiding our farm which is the only substantial green space remaining on this once rural highway.

Q. So basically CP&L is saying that it did not consider the fact that the Robert James house, and possibly the farm, is eligible for the National Register, because it did not know of this before selecting the route.

A. Yes, this is what CP&L says.

Q. Do you believe this is accurate?

A. No. CP&L did not announce the route selection until August 22, 2002. All the information we provided and others provided on our behalf was submitted weeks and in some instances months before that decision. For instance, Ms. Marcil of the State Historic Preservation Office sent her letter on August 8, 2002, and our lawyer Mr. Want sent his letter on August 1, 2002. Additionally, as I testified earlier, a number of CP&L employees and consultants told us that the information we were submitting would be considered in the route selection. For example, Mr. Wilson, the CP&L project manager for this transmission line, wrote to our lawyer Mr. Want on August 8, 2002, thanking Mr. Want for his letter providing CP&L with the historic and other environmental information about the Robert James house and farm. (Exhibit 9). Mr. Wilson further stated, “I want to assure you and your clients that in selecting the preferred route for the transmission line in question, CP&L will consider the factors you identified in your letter along with numerous other criteria.”

I want to emphasize that it was not just in Mr. Wilson's letter that CP&L assured us that our comments would be considered, but we were assured time and time again in the conversations and other communications we had with CP&L employees and consultants. Another example is the email letter of June 20, 2002 from Kristi Wise of the consulting firm doing the routing analysis for CP&L. (Exhibit 3). She stated that her firm had been hired by CP&L as an independent consultant to develop routes and to coordinate public involvement including public workshops. She further stated: "We are currently compiling the information received from the public, and will use the results to analyze the routes impacts. We also use the workshops to gather information from the public"

Q. Is CP&L still saying that it will consider the information about the historic quality of the Robert James house and farm in making its final route selection?

A. Yes. I find this remarkable. CP&L told us all along that it would consider our information in making the route selection. Yet, finally in answer to our interrogatories specifically asking the question, we find out that it didn't. In those answers, CP&L goes on to state it will be considering the Robert James house and farm in potentially adjusting the selected location of the route when the State Historic Preservation Office determines whether the proposed transmission line would have an effect on our farm or house. CP&L has never asked the State Historic Preservation Office to make such a determination. CP&L should have considered the historic and environmental factors we presented concerning our property prior to selecting the route and regardless of whether Federal compliance

will be needed later in potentially adjusting the route it has selected. CP&L certainly told us those factors would be considered, and in fact, were being considered.

Q. CP&L has stated in its answers to the second set of interrogatories that it did make sure that the transmission line would be more than 1,000 feet from your house just as with any other house. Why isn't that a sufficient distance?

A. I believe this justifies our concern that CP&L is not giving any special significance to the historic and environmental factors involved with the Robert James house. It is a property that the State Historic Preservation Office has found to be eligible for the National Register of Historic Properties. You wouldn't put a large transmission line near the Butterfly Terrace at Middleton Gardens or near Drayton Hall. The presence of the power line simply detracts from the historic quality of the property. The principal concern is not that the power line will spoil the view from our house, but that it will spoil the public's appreciation of a historic site.

Q. But Mr. James, CP&L points out in its response to the second set of interrogatories that there is already a power line that runs across you farm.

A. Yes, that is true. That power line was put there when my father was very ill. It was one of the real disappointments in his life that he did not have the strength to fight it. Since his death in 1974 my sister and I have worked to maintain the historic and environmental quality of the house and farm as he and our mother wished. We have put substantial money and endless amounts of time and energy into preserving the historic and environmental quality of the Robert James house

and farm that we inherited. We believe, and numerable people have told us, that the house and farm provide a vital link to the past and welcome green space along the Florence-Darlington highway. Placing this additional and much bigger power line across our farm and within clear view of our house would detract substantially from the historic and environmental quality of the house and farm. I would note that whereas the current transmission line is wooden, fifty-five feet high and has a right-of-way of one-hundred yards, the new power line would be twice that height, made of steel and increase the right-of-way to a total of one-hundred and seventy feet.

Q. Are there any other reasons that you believe that section 32 of the CP&L route that goes across your farm is an inappropriate route.

A. Yes. In our letters and telephone calls to CP&L we have pointed out other problems with the route. The most important ones include that the transmission line would cross the Florence-Darlington Highway at one of the most visible points, squarely in the middle of the only green space left on this ten-mile highway. Also, there is the problem of the transmission line's proximity to the historic Smoot-Williams cemetery. Another issue is that the selected route using section 32 is longer than the more suitable alternative route, section 33. We believe that any problems with section 33 can easily be remedied. We suggested solutions to CP&L's chief engineer in a meeting we had with him at the site. We expected to hear back from him. When we didn't, we called Mr. Taylor several times to find out the status of our alternative proposal, but we never received a response from him.

One other thing I would add is that section 32, which crosses our farm, also crosses the farm of three of our neighbors. We worked with all three and came up with a route we felt was less problematic to all of our farms. That alternative continues to go through two of the four farms, but would have shortened the transmission line route and been much less intrusive to our section of the county. Again, CP&L did not give our proposed alternative serious consideration.

Q. What do you want the Public Service Commission to do to resolve your problems with the siting of the transmission line?

A. I think that it should order CP&L to choose a route that does not go across the Robert James farm because of the negative impact it would have on this historic property and because the transmission line would mar the only green space left on the Florence-Darlington Highway. You told me that this could be one of the outcomes of this proceeding. Another outcome might be that the Commission would order CP&L to engage in another route selection process and this time take into account the information that the State Historic Preservation Office and we provided. I don't think the latter would be a fair or appropriate outcome. CP&L's conduct here, in ignoring our information while assuring us it would be considered, is egregious. The Commission should make it clear to CP&L and the public that this sort of action will not be tolerated. My sister and I have had to spend an enormous amount of time and energy pursuing this matter. We even had to hire a lawyer and incur that expense. We finally learned after all of this that CP&L did not consider our information in selecting the route. We should not be

put to the task of having to work further with CP&L to try to get it to do what it should have done long ago. Finally, CP&L has demonstrated that it simply can't be trusted to consider properly the historic quality of this house and farm and the other environmental factors involved. Enough information is before this Commission to demonstrate that the proper outcome is that the Robert James house and farm be avoided. The Commission should order this now and not leave us to labor on with CP&L.